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23 Attorneys for Defendant
24 TD Ameritrade, Inc.

25 **UNITED STATES DISTRICT COURT**
26 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

27 JASON THOMAS, individually, and on
28 behalf of all others similarly situated,

Plaintiff,

vs.

TD AMERITRADE, INC.,

Defendant.

Case No.: C 08-02397 WDB

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE AND TO SHORTEN TIME**

WHEREAS, the parties attended private mediation on December 9, 2008 and, having reached the basic terms of settlement, executed a Memorandum of Settlement that same day;

WHEREAS, following weeks of additional negotiations, the parties have now finalized the terms of a full and complete Settlement Agreement and Stipulation ("Settlement") which they are

1 in the process of having executed;

2 **WHEREAS**, Plaintiff intends to file his Motion for Preliminary Approval of the Settlement
3 on or before Tuesday, February 24, 2009;

4 **WHEREAS**, Defendant does not intend to oppose Plaintiff's Motion for Preliminary
5 Approval of the Settlement;

6 **WHEREAS**, subject to the Court's availability, the parties wish to schedule the hearing on
7 Plaintiff's Motion for Preliminary Approval of the Settlement for March 25, 2009 at 1:30 p.m.;

8 **WHEREAS**, the parties believe that the Case Management Conference currently scheduled
9 for February 19, 2009 at 4:00 p.m. ought to be continued indefinitely so as to permit the parties to
10 instead focus on the above referenced preliminary approval motion and hearing;

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13 **IT IS THEREFORE STIPULATED AND AGREED**, by and between the parties hereto,
14 through their attorneys of record, as follows:

15 The Case Management Conference, currently set for February 19, 2009 at 4:00 p.m., should
16 be continued indefinitely.

17
18 **IT IS FURTHER STIPULATED AND AGREED** by and between the parties hereto,
19 through their attorneys of record, as follows:

20 Plaintiffs unopposed Motion for Preliminary Approval should be heard on shortened notice
21 and the hearing should be set for March 25, 2009 at 1:30 p.m.;

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1 I, Kevin R. Allen, attest that I have obtained concurrence from Julie A. Kole in the filing of
2 this Stipulation and Proposed Order Continuing the Case Management Conference Date. *See* N.D.
3 Cal. General Order 45 § 10(b).
4

5 Dated: February 17, 2009

KEESAL, YOUNG & LOGAN, APC

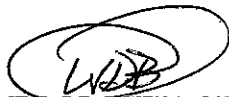
6
7 By: /s/Julie A. Kole
8 Julie A. Kole, Esq.
9 Attorneys for Defendant
TD Ameritrade, Inc.

10 Dated: February 17, 2009

SCOTT COLE & ASSOCIATES, APC

11
12 By: /s/Kevin R. Allen, Esq.
13 Kevin R. Allen, Esq.
14 Attorneys for the Representative Plaintiff
15 and the Plaintiff Class
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~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that:

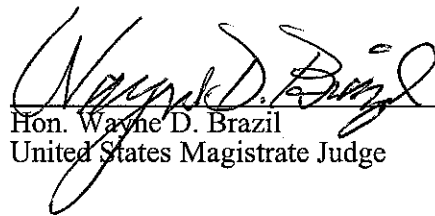
The Case Management Conference, currently scheduled for February 19, 2009 at 4:00 p.m., is hereby continued indefinitely.

IT IS FURTHER ORDERED that:

Plaintiff's Motion for Preliminary Approval shall be heard on shortened notice. The hearing and any oral argument on said motion shall take place on March 25, 2009 at 1:30 p.m.

Dated: February 18, 2009

By:


Hon. Wayne D. Brazil
United States Magistrate Judge

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